LIBRARY
SUPREME COURT, U. S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1958

No. 158

KENNETH PETE STECKENRIDER,
Petitioner,

vs.

THE PEOPLE OF THE STATE OF MICHIGAN,
Respondent

PETITION FOR WRIT OF CERTIORARI TO THE RECORDER'S COURT FOR THE CITY OF DETROIT

WILLIAM G. COMB,
1512 Dime Bldg.,
Detroit 26, Michigan.

INDEX

Subject Index

	Page
Petition for Writ of Certiorari	1
Citations to Opinions Below	1
Jurisdiction	2
Question Presented	2
Constitutional Question	2
Concise Statement of the Case	2
Reasons for Granting the Writ	5
Conclusion	5
Appendix	7
General Information	7
Order of fifth day of March	12
Order of sixteenth day of April	14

Statutes Cited

28 U.S.C.A. Sec. 1257(3)	2
United States Code Annotated, Constitutional Amendments 1 to 13, p. 327	2
Michigan Constitution, Article 2, Section 9	4
Constitution of the United States, Amendment 6	4

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1958

No.

KENNETH PETE STECKENRIDER,
Petitioner,

vs.

THE PEOPLE OF THE STATE OF MICHIGAN,
Respondent

PETITION FOR WRIT OF CERTIORARI TO THE RECORDER'S COURT FOR THE CITY OF DETROIT

To the Honorable Chief Justice and the Associate Justices of the Supreme Court of the United States:

KENNETH PETE STECKENRIDER prays that a Writ of Certiorari issue to review the judgment of the Recorder's Court of the City of Detroit, State of Michigan, entered in the above entitled cause on the 8th day of April, 1957.

Citations to Opinions Below

There are no reported opinions. An application for leave to appeal was filed with the Supreme Court of the State of Michigan, which application was on the 5th day

of March, 1958, denied without opinion. A petition for reconsideration of the denial of the application for leave to appeal was submitted to the Supreme Court of the State of Michigan, and, on the 16th day of April, 1958, an order was entered affirming the order of March 5, 1958, denying Petitioner's application for leave to appeal, again without an opinion.

Jurisdiction

The jurisdiction of the Court is invoked under 28 U.S.C.A. Sec. 1257(3).

Question Presented

Whether the trial court in permitting the amendment of the information violated the petitioner's right to be informed of the nature of the accusation against him.

Constitutional Question

This involves the application of the Sixth Amendment to the Constitution of the United States which provides, in part, as follows: "In all criminal prosecutions, the accused shall enjoy the right * * * to be informed of the nature and cause of the accusation." United States Code Annotated, Constitutional Amendments 1 to 13, Page 327.

Concise Statement of the Case

Petitioner shows that in the March term 1957 of the Recorder's Court for the City of Detroit, an information was returned charging the Petitioner with having on or about the 7th day of January, 1957, received or aided in the concealment of nickel anodes of the value of $500.00 of the personal property, goods and chattels of the J. C. Robinson Plating Company, a Michigan Corporation, and knowing the said goods and chattels have been stolen, taken and carried away. App. Infra p. 6. During the trial, one of the

prosecution witnesses testified that the nickel anodes were stolen from the J. C. Robinson Plating Company on or about the 4th day of January, 1957, and had been disposed of by the 10th day of January, 1957.

Another prosecution witness testified that the merchandise in question was stolen from the Northeast Plating Company on or about the 15th day of January, 1957, and sold to the Defendant.

At the conclusion of the People's case, the prosecutor moved to amend the information to read "the 15th day of January, 1957, and also to amend as to ownership of this particular property to read "the Northeast Plating Company" (Record Page 155). App. Infra p. 8.

The Court suggested that the amendment read "the Northeast Plating Company and/or the J. C. Robinson Company" (Record Page 155). App. Infra p. 8.

Counsel for the Defendant objected to the granting of the motion upon grounds including "It is denying this Defendant a fair and impartial trial and a violation of his Constitutional rights, and doesn't properly advise him of the nature of the charge against him" (Record Page 155). App. Infra p. 8. Further objections were made upon the ground that the defendant came prepared to defend upon the charge in the information.

The trial court in referring to the motion stated "It isn't a new charge, it is merely getting the one who owns it and the day or date to conform with the proofs. It may be amended to read "on or about the 15th day of January, 1957, and the ownership of the J. C. Robinson Plating Company and/or the Northeast Plating Company, a Michigan Corporation." (Record Page 157). App. Infra p. 8.

After the conviction, a motion for a new trial was timely filed upon the following grounds, as well as other grounds: "That the Defendant was not properly informed of the

charge against him." "That allowing the information to be amended at the close of the People's testimony was in violation of the Defendant's Constitutional rights to be informed of the nature of the charge against him." App. Infra p. 9. "That by reason of the amendment permitted by the Court, Defendant did not have a fair and impartial trial, and that Defendant was prepared to defend against the charge that on or about the 7th day of January, 1957, he received property of J. C. Robinson Company as alleged in the information to have been stolen."

In the application for leave to appeal timely filed by the Petitioner, among others, the grounds set forth are as follows: "That the Court erred in allowing the information to be amended at the close of the People's testimony which was in violation of Defendant's Constitutional rights to be informed of the nature of the charge against him." App. Infra p. 10.

Petitioner filed with the Supreme Court of the State of Michigan a Petition to reconsider the denial of his application for leave to appeal of March 5, 1958, App. Infra p. 10, stating further that a similar question has not been passed upon by this Court and that Petitioner deemed it sufficiently important that a determination be made by the Supreme Court of the State of Michigan upon the issues raised in the application and particularly the issue relative to the constitutional question relative to the rights of the accused to be informed of the nature of the accusation against him, referring to the provision of the Michigan Constitution, Article 2, Section 9, and the Constitution of the United States, Amendment 6, App. Infra p. 13 which Petition for Reconsideration was denied without opinion on the 16th day of April, 1958. App. Infra p. 14.

Reasons for Granting the Writ

The information, as amended, upon which the Petitioner was convicted violates the Defendant's constitutional right to be advised of the nature and cause of the accusation against him. And the information is such that he could not be protected by a plea of former jeopardy against another prosecution for the offense.

The purpose of specificity in the information is, primarily, to give the defendant the benefit of his constitutional right to be informed of the nature and cause of the accusation against him and, secondarily, to protect the Defendant from subsequent prosecution for the same offense.

Conclusion

For the foregoing reasons, this Petition for Writ of Certiorari should be granted.

Respectfully submitted,

WILLIAM G. COMB,
1512 Dime Bldg.,
Detroit 26, Michigan.

JUNE 19, 1958.